

1 **ARTICLE V**  
2 **PLANNED REDEVELOPMENT OVERLAY DISTRICT**  
3

4 **SECTION 28 – 501 PLANNED REDEVELOPMENT (PR) OVERLAY DISTRICT**  
5

6 A. PURPOSE  
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8 The purpose of the Planned Redevelopment Overlay District (PR) is to provide a  
9 mechanism for the redevelopment, rehabilitation, and general improvement of  
10 certain older areas within the Town of Easton that have fallen into a somewhat  
11 neglected or dilapidated state or have simply been used for a purpose that no longer  
12 serves the health, safety or general welfare of the neighborhood. PR applications  
13 may be submitted only if the project is located within the Planned Redevelopment  
14 Overlay District. However, this mechanism is optional and shall not be required of  
15 all projects located within this zone. Projects not being developed in accordance  
16 with PR District standards shall be developed in accordance with the development  
17 standards of the underlying base zoning district.  
18

19 The nature, size, scale or intensity of a proposed uses may cause a particular site  
20 not to be suitable for a specific PR proposal. Therefore, there is no general  
21 presumption that an application for such a use at a particular location is valid, inures  
22 to the general benefit of the Town, is compatible with surrounding uses, or is in  
23 compliance with the Town's Comprehensive Plan. Instead, each application will  
24 be evaluated according to its particular location and the degree to which the  
25 developer is willing or able to propose a development plan which ameliorates  
26 possible adverse impacts and furthers the goals and objectives of this Section and  
27 the Ordinance generally  
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29 B. DEVELOPMENT STANDARDS  
30

31 Development within the Planned Redevelopment Overlay District shall meet the  
32 following requirements:  
33

- 34 1. The area proposed for a planned redevelopment shall be in one (1)  
35 ownership, or, if in several ownerships, the proposal shall be filed jointly  
36 by all the owners of the property included in the development plan.  
37  
38 2. The site shall be of a configuration suitable for the development proposed  
39  
40 3. Public water and sewerage shall be available.  
41  
42 4. The site shall be located adjacent to adequate transportation facilities  
43 capable of serving existing traffic and that expected to be generated by the

1 proposed development.

- 2
- 3 5. The overall residential density of a Planned Redevelopment project shall
- 4 not exceed forty (40) units per gross residential acre. For the purposes of
- 5 this subsection, the gross residential area shall include all land within the
- 6 area intended to be used for residences, residential parking space, and
- 7 reservation for community recreation and education facilities. Any land
- 8 mapped as floodway by the Federal Emergency Management Agency, and
- 9 non-residential uses shall be excluded in computing the gross area. The
- 10 Planning and Zoning Commission may require a lower density if review of
- 11 the proposed development indicates that the maximum allowable density is
- 12 excessive for the surrounding area.
- 13
- 14 6. For new infill development projects, the setback, lot size, lot coverage,
- 15 height, and yard requirements shall be established for each individual
- 16 project by the Planning and Zoning Commission. In establishing these
- 17 requirements the Planning and Zoning Commission shall consider such
- 18 factors as the proposed intensity of the project and the existing character of
- 19 the neighborhood.
- 20
- 21 7. Off-street parking is not required for projects proposed in the Planned
- 22 Redevelopment Overlay District, although adequacy of parking may be a
- 23 consideration of site plan review.
- 24
- 25 8. Sidewalks shall be constructed along any public right-of-way (except for
- 26 alleys) adjacent to the site along the entire frontage(s) of the property. To
- 27 the extent practicable, walkways shall be constructed on the site to tie
- 28 building entrances and/or pedestrian pathway systems into existing or
- 29 proposed public sidewalk systems.
- 30

### 31 C. APPLICATION PROCEDURE

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33 Applications for PR projects shall be reviewed in accordance with the following

34 procedures, depending upon the type of project.

35

- 36 1. Applications that represent new infill development shall proceed in
- 37 accordance with the requirements of Section 28 – 901 of this Ordinance.
- 38 Where the underlying zoning district is residential (any “R” district) the new
- 39 infill development must be a use otherwise permitted in said underlying
- 40 district. Where the underlying zoning district is non-residential, any use
- 41 may be proposed and the Planning and Zoning Commission may approve
- 42 the application based on the site plan review findings and standards of
- 43 Section 28 – 901. No use indicated as “prohibited” in all zoning districts

1 shall be permitted in the PR Overlay.

- 2  
3 2. Applications to establish the following uses shall be permitted in  
4 accordance with the Site Plan Review standards as outlined in Section 28-  
5 901 Of this Ordinance and shall be exempt from the supplemental standards  
6 otherwise applicable to such uses:

- 7  
8 a. Middle Housing Types  
9 b. Multi-family Units  
10 c. Accessory Dwelling Units

- 11  
12 3. Applications for the adaptive reuse of existing buildings shall be reviewed  
13 as follows:

- 14  
15 a. Requests to change to a permitted use (in the underlying zoning  
16 district) that requires less parking than the previous use shall be  
17 approved with no review beyond that required for a building permit  
18 (if any).  
19  
20 b. Requests to change to a permitted use (in the underlying zoning  
21 district) that requires more parking than the previous use shall be  
22 reviewed in accordance with the Site Plan Review standards as  
23 outlined in Section 28 – 901 of this Ordinance.  
24  
25 c. Requests to change to a use that is not permitted in the underlying  
26 zoning district may be reviewed in accordance with the standards  
27 for Site Plan Review (Section 28 –901).  
28  
29 d. Regardless of subsections a through c above, in any residential  
30 (“R”) zoning district, only uses that are permitted in the underlying  
31 zoning district may be proposed for the adaptive reuse project.

- 32  
33 4. Applications for renovations, alterations or additions to existing improved  
34 lots which violate the prescribed setback of the underlying zoning district,  
35 but are no closer to the property line than the existing structure shall be  
36 reviewed by the Town Planner. The application shall furnish the Town  
37 Planner with a site plan with enough information to permit an adequate  
38 review of the request. If approved by the Town Planner, nothing more than  
39 a building permit shall be required for such requests. Nothing in this  
40 provision, however shall permit construction in violation of the Town’s  
41 Building Code without a Variance from said Code.

42  
43 Applications for renovations, alterations or additions to existing improved

lots which both violate the prescribed setbacks of the underlying zoning district and are closer to the property line than the existing structure(s) shall be reviewed by the process prescribed above for new infill development (i.e. the Site Plan Review Standards of this Ordinance as prescribed in Section 28 – 901).

5. Requests to demolish and redevelop properties shall be reviewed in accordance with the Site Plan Review standards as outlined in Section 28 – 901 of this Ordinance.
6. Requests to operate a Mobile Food Use on a longer-term basis than otherwise permitted (i.e., as a Temporary Use) may be considered and approved by the Planning and Zoning Commission. Such requests shall only be permitted if the proposed use (i) is owned, operated or controlled by the entity that is entitled to the otherwise lawfully permitted use of the property where the mobile food use is located; and (ii) is operated as an expansion of or complement to a business operating an otherwise lawfully permitted use on said property. Any such request shall be made to the Planning and Zoning Commission and include a site plan indicating the proposed location of the mobile food use, a picture or sketch which accurately depicts the appearance of the proposed structure, a statement indicating the expected impact of the proposed addition in terms of parking (including the expected additional demand and the existing and proposed supply), neighborhood impacts (e.g. traffic, noise, odor, lighting, etc.), and any other such information which the Town Planner reasonably determines would be necessary for the Planning and Zoning Commission to reach an informed conclusion as to the merits and impacts of the proposed addition.
7. Applications for properties that are presently or have most recently been used for any Institutional Use may either (1) continue to be used for said Institutional Use, (2) convert to any other permitted Institutional Use, or (3) be converted to any use permitted in the underlying zoning district.
8. The Town may require the execution of a Public Works Agreement as a condition of approval of any PR project. If required, said Agreement shall outline the standards and responsibilities associated with the proposed project and shall be prepared in a format acceptable to the Town Attorney.

#### D. AMENDMENTS TO APPROVED APPLICATIONS

Amendments to approved PR applications shall be reviewed under the same standards prescribed above for new projects.

1 E. DESIGNATION OF FUTURE PLANNED REDEVELOPMENT OVERLAY  
2 DISTRICTS  
3

4 In the future, additional lands may be designated as Planned Redevelopment  
5 Overlay. The process for so doing is as follows:  
6

- 7 1. An application for Planned Redevelopment Overlay District Zoning shall  
8 be filed with the Town Planner and forwarded to the Planning and Zoning  
9 Commission for a recommendation before proceeding to the Town Council.  
10
- 11 2. The application for PR Overlay District Zoning shall include a map of the  
12 area proposed for the designation and shall be accompanied by a metes and  
13 bounds description of the proposed zoning boundaries as well as a complete  
14 listing of the names and addresses of all property owners within the  
15 proposed PR Overlay District.  
16
- 17 3. The area proposed for PR Overlay District Zoning shall be contiguous and  
18 at least five (5) acres in size unless the proposed PR Overlay District is an  
19 extension of an existing PR Overlay District.  
20
- 21 4. The application for establishing a new PR Overlay District shall be  
22 accompanied by a land use and housing/building survey which analyzes the  
23 appropriateness of the existing zoning, the conditions of the housing or  
24 commercial or industrial buildings within the proposed PR zone, etc.  
25
- 26 5. The application shall include a petition or similar device indicating the  
27 support of the owners of at least fifty-one (51%) percent of the lots within  
28 the proposed PR District.  
29
- 30 6. The Planning and Zoning Commission may require whatever additional  
31 studies or reports it deems necessary to adequately analyze the application.  
32
- 33 7. The Planning and Zoning Commission shall make and forward a  
34 recommendation to the Town Council who shall schedule and hold a Public  
35 Hearing on the application in accordance with the provisions of Section 28  
36 – 1403 of this Ordinance.  
37
- 38 8. The Town Council shall vote as to whether or not to approve the proposed  
39 PR Overlay District. Before approving a request, the Town Council must  
40 make the following findings.  
41
  - 42 a. The structures within the proposed PR District are predominately  
43 in need of rehabilitation, deteriorated, or built to zoning (or before

any zoning) that no longer is appropriate for the area.

b. The creation of the PR Overlay will allow for the rehabilitation and redevelopment of an area of the Town of Easton that is in need of such action.

c. The creation of the PR Overlay District will not cause undue traffic nor overburden the Town's community facilities (water, sewer, solid waste, etc.).

If the Town Council makes an affirmative finding of fact as to each of the criteria listed above, the Council may enact an ordinance granting the proposed PR district creation or expansion. The fact that an application for a PR district creation or expansion complies with the specific requirements listed above shall not require the Town Council to grant the application. The ordinance shall be subject to approval by the Mayor in accordance with the provisions of the Town Charter relating to mayoral vetoes.

The "change/mistake" rule, as codified in Maryland Annotated Code Land Use Article Section 4.05 is not applicable to the creation or expansion of PR districts nor to any project submitted in accordance with the regulations of this subsection.

#### F. Site Plan Review and Action

The review processes described in subsection C above shall represent the initial step in the PR review process. Successful applications shall subsequently follow the appropriate steps for the type of project submitted and the applicant shall prepare and submit for review by the Planning and Zoning Commission a preliminary and a final site/subdivision plan in accordance with the site plan requirements specified in Subsection 28 – 901.3.B. of this Ordinance and/or the requirements of the Town of Easton Subdivision Regulations.